GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:313
ANSWERED ON:24.07.2001
STATEMENT OF WITNESSES
RAGHUNATH JHA

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government propose to treat the statement of the witnesses taken under section 161 of the Cr. PC, as irrevocable in the courts by the police;

(b) if so, the details thereof; and

(c) the present status of the proposal?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I. D. SWAMI)

(a)to (c): The Law Commission of India in their 154th Report on the Code of Criminal Procedure, 1973 has recommended, inter alia, insertion of a new sub-section, 1(A), in section 164 to read as follows.

`Every Investigating Officer shall send to the nearest magistrate all material witnesses during the course of investigation and the Magistrate on oath record their statements, if such Magistrate is empowered to take cognizance of the case on police report, he shall keep such statements alongwith the FIR received by him and await the further police report under section 173. If he is not empowered to take such cognizance, he shall send the statements thus recorded on oath to the Magistrate empowered to take cognizance of the case.`

It is not feasible to indicate a specific time-frame for a decision on the above as the Government has to take a view on the recommendations of the Law Commission in the 154th Report in its entirety.